

### **MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT**

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American Sign Language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**.

To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms (714) 536-5693** or the **City Clerk (714) 536-5227**.

*72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.*

## **ACTION AGENDA**

### **CITY COUNCIL/REDEVELOPMENT AGENCY**

### **CITY OF HUNTINGTON BEACH**

**MONDAY DECEMBER 1, 2003**

**5:00 P.M. – Council Chambers -  
Public Comments and Closed  
Session Item**

**6:00 P.M. - Council Chambers**  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

#### **5:00 P.M. – Council Chambers**

#### **Call City Council/Redevelopment Agency Meeting to Order**

**Roll Call** Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy

#### **Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda**

(1) The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. (2) Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's Office following distribution of the agenda packet.)

**None**

#### **Public Comments (Closed Session Agenda Item Only) (See Next Page)**

**Speaker - President of the Municipal Employees Association re: City's health insurance plan for City employees and possibility of employees leaving due to high cost of benefits.**

**Speaker – VP of MEA comparing City Services provided by employees as Superior**

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY  
AGENDA IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS**

**<http://www.surfcity-hb.org>**

**Call Closed Session of City Council/Redevelopment Agency**  
**Approved 7-0**

**Recommended Action:** Motion to recess to Closed Session on the following items:

**(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Ray Silver, City Administrator; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; Kenneth Small, Chief of Police; Duane Olson, Fire Chief; and Steven M. Berliner, Esq. and Bruce Barsook, Esq. of Liebert Cassidy Whitmore regarding **labor relations matters – meet and confer** with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated.** (120.80)

**6:00 P.M. – Council Chambers**

**Reconvene City Council/Redevelopment Agency Meeting**

**The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).**

**Call City Council/Redevelopment Agency Meeting to Order**

**Roll Call** Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy

**Pledge of Allegiance/Flag Ceremony** – Members of the Huntington Beach Police Department Color Guard

**Observe Moment of Silence** – To reflect on matters before Council this evening

**Mayor Connie Boardman – Annual State of the City Address**  
***Mayor Boardman gave the annual “State of the City Address”***

**Presentations by Mayor Connie Boardman** (160.40)

**Presentations by Community Members to Mayor Connie Boardman**  
***Bob Biddle, representing Assemblyman Tom Harman***  
***Eileen Murphy, Bolsa Chica Land Trust***  
***Ed Kerins, President, Huntington Beach Tomorrow***

**Election of Mayor & Mayor Pro Tempore for Ensuing Year** (620.10)

***City Clerk Calls for Motion to Elect New Mayor Cathy Green elected Mayor of the City of Huntington Beach by Acclamation!***

***Oath of Office is Administered to the New Mayor by the City Clerk***

**Presentation by Outgoing Mayor to New Mayor** (120.70)**Presentation by New Mayor to Outgoing Mayor** (120.70)**New Mayor Presides****Election of Mayor Pro Tempore** (620.10)

***Mayor Calls for Motion to Elect the Mayor Pro Tempore – Councilmember Jill Hardy elected Mayor Pro Tem of City of Huntington Beach by Acclamation!***

**Comments by Newly-Elected Mayor** (160.40)**Presentations by Community Members to Incoming Mayor**

***Barbara Boskovich, Chairman, Ocean View School District Board  
Dale Dunn, President, Council on Aging  
Members of “Green Team” and CERT Team***

**Council, Staff and Audience Recess to Mayor’s Reception in Meeting Rooms Adjacent to Council Chamber**

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items.

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members. On each Agenda these Agencies may have items scheduled.

When an Agenda Item requires action by any of these Agencies, it will show in parenthesis preceding the item, for example (City Council-Redevelopment Agency).

**Reconvene:**

**Roll Call** Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

**Invocation** – Bishop Thomas C. Clary

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**B. PUBLIC COMMENTS**

Hello and welcome to the Huntington Beach City Council meeting.

If you would like to address the Council please fill out the pink public comment sheet attached to this agenda.

After completing the form, hand it to the Sergeant at Arms and he will give it to the City Clerk. Council members strive to treat members of the public with respect and we ask that you also express your concerns and opinions in a civil and respectful manner.

Pursuant to the Brown (Open Meeting) Act, the City Council may not discuss items unless they are on our agenda. So if you are speaking on an item not on the agenda, we cannot discuss the issue with you at this meeting. However, if you wish to meet with any of us please call the Council's Secretary at 714-536-5553.

Thank you for taking the time to come to the council meeting to address the council.

**This is the time to address Council regarding items of interest or on agenda items OTHER than Public Hearings.**

3 minutes per person, time may not be donated to others.

No action can be taken by Council/Agency on this date unless agendized.

Complete the attached pink form and give to the Sergeant-At-Arms located near the speaker's podium

**PUBLIC COMMENTS:**

***Speakers presenting reasons in opposition to "Districting" Measure on March 2, 2004 City election ballot.***

***Speaker invited all to join the HB Concerned Voters Coalition in Voting No on Districting Measure – March 2, 2004 - (842-2589).***

***Ocean View School District Board member asked all to drive carefully; that a tragedy of a Lake View School student killed in crosswalk while crossing with her mother going home after the after school program and district working with OVSD re: improving safety.***

***Speaker re: need for plan to stop effluent caused by AES Energy Plant & the problems that will be caused by desalination plant.***

***Speakers in opposition to Invocation at Council meetings.***

***Many City employees speaking re: proposal for Health Care coverage and offering suggestions to Council to solve problem.***

***Representative of Employee Association requested assistance of Council relative to Health Coverage issue.***

C-1. Council Committee/Council Liaison Reports  
*None*

C-2. City Administrator's Report  
*None*

***D. Public Hearings - None***

### **E. CONSENT CALENDAR**

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

**Recommended Action:** Approve all items on the Consent Calendar by affirmative roll call vote.

- E-1. (City Council/Redevelopment Agency) Minutes** (120.65) - Approve and adopt the minutes of the City Council/Redevelopment Agency Regular Meetings of August 18, 2003; Adjourned Regular Meetings of August 25, 2003; Regular Meetings of September 2, 2003, and September 15, 2003; Special and Regular Meetings of October 6, 2003; Adjourned Regular and Regular Meetings of October 20, 2003; and Adjourned Regular Meeting of October 22, 2003 as written and on file in the Office of the City Clerk.  
Submitted by the City Clerk.  
***Green abstain from 9-2-03 Minutes***  
***Sullivan abstain from 10 06-03 Minutes***  
***Cook abstain from 8-25-03 Minutes***
- E-2. (City Council) Approve Project Plans and Specifications and Authorize Advertisement of Bids for Construction of Well No. 8 Pipeline to Provide Irrigation to Central Park (Located n/e of Goldenwest Street and Warner Avenue); CC-1192** ( . )  
Approve the project plans and specifications and authorize the Director of Public Works to request public bids for the construction of the Well No. 8 pipeline; CC-1192. Submitted by the Public Works Director. Funding Source: Funds for construction are budgeted in the Water Fund Account. The engineer's cost estimate is \$200,000.  
***Approved 7-0***
- E-3. (City Council) Approve Amendment No. 1 to Professional Services Contract between the City and Concept Marine for Construction Management Services for the Central Park Sports Complex and South Beach Phase II Improvements and Authorize Exemption from the Huntington Beach Municipal Code 3.03 Re: Contract Term Limitation** ( . ) – 1. Approve Amendment No. 1 to Professional Services Contract Between the City of Huntington Beach and Concept Marine Associates. Inc. for Construction Management Services and authorize the Mayor and City Clerk to execute the same; and 2. Authorize an exemption to Section 3.03.120 of the Huntington Beach Municipal Code to allow extension of a professional services contract beyond the term of three years. Submitted by the Public Works Director. Funding Source: No additional funding is required.  
***Approved 7-0***
- E-4. (City Council) Approve the Amended and Restated Affordable Housing Agreement Containing Covenants Affecting Real Property by and Between the City of Huntington Beach and Main Place Apartments, LLC (Formerly PLC-Siena Apartments) (Located n/w Corner of Main and Gothard Streets)** ( . ) – Approve the Amended and Restated Agreement Containing Covenants Affecting Real Property (Affordable Rental Housing) by and Between the City of Huntington Beach and Main Place Apartments, LLC, and authorize the Mayor and City Clerk to sign, execute and record (Attachment No. 1). Submitted by the Planning Director. Funding Source: Not applicable.  
***Approved 7-0***

**E-5. (City Council) Approve Donation Agreement with the Council on Aging to Accept Funds to Provide a Part Time Social Worker Assistant for Senior Services ( . ) –**

Approve a *Donation Agreement between the City of Huntington Beach and the Council on Aging* for \$18,000 to provide a part-time Social Worker Assistant position for Senior Services. Submitted by the Community Services Director. Funding Source: Not applicable.

***Approved 7-0***

**E-6. (City Council) Adopt Resolution No. 2003-87 and Approve the First Amendment to the Joint Powers Agreement Relative to the Addition of the City of West Covina and Withdrawal of the City of Pomona to the Big Independent Cities Excess Pool (BICEP) - Approve Third Amendment to the Liability Risk Coverage Agreement - Authorize Prepayment of BICEP Revenue Bonds – ( . ) – 1. Approve the First**

Amendment to the Joint Powers Agreement creating the Big Independent Cities Excess Pool which acknowledges the withdrawal of the City of Pomona and the admission of the City of West Covina as a party to the Agreement; and **2.** Approve the Third Amendment to the Liability Risk Coverage Agreement which authorized the admission of the City of West Covina, the premium payments, the allocable proportion of basic premium payment for the other participants; and **3.** Adopt **Resolution No. 2003-87** - “*Resolution of the City Council of the City of Huntington Beach Amending the Liability Risk Coverage Agreement and the Joint Powers Agreement Creating the Big Independent Cities Excess Pool Joint Powers Authority, Approving the Prepayment of Basic Premium, and Authorizing, Ratifying, and Approving Certain Other Documents and Action in Connection Therewith*” which authorizes the addition of the City of West Covina as a new participant and the withdrawal of the City of Pomona and permits all participants (Huntington Beach, Oxnard, San Bernardino and Santa Ana), with at least two thirds approval, to exercise, as a group, the option to prepay the basic premium revenue bonds. Submitted by the Administrative Services Director. Funding Source: Liability Insurance – General Liability Insurance.

***Adopted 7-0***

**F. Administrative Items**

**F-1. (City Council) Approve City Council Position on Legislation Pending Before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee IRC) ( . )**

Communication from Councilmember Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Mayor Connie Boardman and Councilmember Debbie Cook transmitting the following **Statement of Issue:** Should the City Council authorize the Mayor to communicate the City of Huntington Beach's support for or opposition to legislation currently pending before the elected members of the State Legislature, a regional body or to be put on a ballot for approval by the voters?

**Recommended Action:** Motion to:

**OPPOSE AB 1160 (Steinberg) Housing – Second Units** as amended 04/24/03 – 2 Year Bill  
***Approved 7-0***

**G. Ordinances****G-1. Ordinances for Adoption****G-1a. (City Council) Adopt Ordinance No. 3622 Amending Chapter 5.50 of the Huntington Beach Municipal Code Pertaining to Regulation of Mobile Vendors ( . ) –**

**Ordinance No. 3622** - *“An Ordinance of the City of Huntington Beach Amending Chapter 5.50 of the Huntington Beach Municipal Code Relating to Mobile Vending.”* (Modifies distance mobile vending is permitted from school, playground, or park from 500 feet to 300 feet; and designates Planning Department as permitting authority instead of City Treasurer.) (Approved for Introduction November 17, 2003.)

**Recommended Action:** After City Clerk reads by title, adopt **Ordinance No. 3622**, by roll call vote.

***Adopted 7-0***

**G-1b. (City Council) Adopt Ordinance No. 3623 Repealing Chapter 9.64 and adding Chapter 9.90 to the Huntington Beach Municipal Code Relating to Door-to-Door Solicitations ( . ) – Ordinance No. 3623**

*– “An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Deleting Chapter 9.64 in its Entirety (Registration of Canvassers) and Adding Chapter 9.90 Relating to Door-to-Door Solicitation.”* (Update ordinance to conform to current state and federal law) (Approved for Introduction November 17, 2003.)

**Recommended Action:** After City Clerk reads by title, adopt **Ordinance No. 3623** by roll call vote.

***Adopted 7-0***

**G-1c. (City Council) Adopt Ordinance No. 3624 Amending the Huntington Beach Zoning and Subdivision Code by Amending District Map 27 – Zoning Map Amendment No. 00-02 Lowe’s Home Improvement Warehouse (Sectional District Map 24-5-11) ( . )**

**– Ordinance No. 3624** – *“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Code by Amending District Map 27 (Sectional District Map 24-5-11) to Rezone the Real Property Generally Located on the North Side of Warner Avenue Approximately 500 Feet East of Beach Boulevard from PS (Public-Semi Public) to CG (General Commercial) (Zoning Map Amendment No. 00-02).”* ) (Approved for Introduction November 17, 2003.)

**Recommended Action:** After City Clerk reads by title, adopt **Ordinance No. 3624** by roll call vote.

***Adopted 7-0***



**G-2. Ordinance for Introduction****G-2a. (City Council) Approve for Introduction Ordinance No. 3625 Amending the Huntington Beach Municipal Code by Repealing Chapter 8.70 and Adding Chapter 8.72 Relating to Tattooing, Body Piercing and Permanent Cosmetics ( . )**

Adoption of Ordinance No. 3625 is requested in order to repeal Chapter 8.70 of the Huntington Beach Municipal Code pertaining to tattooing and replacing it with Chapter 8.72 pertaining to tattooing, body piercing and permanent cosmetics. In many cases, these types of services will be offered in one business establishment. Even if they are not, all these services use similar equipment and techniques, including, but not limited to, needles, dyes, and stencils. This new chapter will merge the requirements for these businesses under one section. Previous to this new chapter, body piercing and permanent cosmetic application requirements did not exist in the municipal code.

**Recommended Action:** After City Clerk reads by title, approve introduction of **Ordinance No. 3625**, by roll call vote.

**Ordinance No. 3625** – *“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Repealing Chapter 8.70 and Replacing it with Chapter 8.72 Relating to Tattooing, Body Piercing and Permanent Cosmetics*

***The Police Chief reported in response to questions from Councilmember Sullivan Approved Introduction 7-0***

**H. City Council/Redevelopment Agency Items****Council Comments - (Not Agendized)**

***Mayor Pro Tem Hardy and Mayor Green thanked the “Helping Hands” students who put together serving for Mayor’s reception***

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

**Council/Agency Adjournment** to **Monday, December 8, 2003 at 2:00 p.m., in Room B, Central Library**, 7111 Talbert Avenue, Huntington Beach, California 92648.

Council/Agency Agendas and Minutes are Available at No Charge to the Public at the City Clerk’s Office, on the City’s Website, Via Email, and Through Paid Subscription. Complete Agenda Packets are Available at the Central Library and Library Branches on Friday Prior to Meetings. Videotapes of Council Meetings are Available for Checkout at the Central Library at No Charge.

**CONNIE BROCKWAY, CITY CLERK**  
**City of Huntington Beach**  
**2000 Main Street - Second Floor**  
**Huntington Beach, California 92648**

**Internet: <http://www.surfcity-hb.org>**